

**CHAPTER NO. 325**

**SENATE BILL NO. 610**

**By Jackson, Ketron**

**Substituted for: House Bill No. 1996**

**By Odom, Russell Johnson, Sherry Jones, Moore, Mike Turner, Briley, McDonald**

AN ACT to amend Tennessee Code Annotated, Title 69, relative to duties of the water quality control board.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 69-7-206, is amended by deleting the current subsection (d) and substituting in its place the following new subsection (d):

(d) Any person aggrieved by the issuance or denial of a permit by the commissioner under this part may appeal such matter to the water quality control board solely in accordance with § 69-7-207(3).

SECTION 2. Tennessee Code Annotated, Section 69-7-207, is amended by deleting the current subdivision (3) and substituting in its place the following new subdivision (3):

(3) To hold a contested case hearing concerning the commissioner's issuance or denial of a permit upon receiving a petition for permit appeal. During this hearing the board shall review the commissioner's permit decision and may reverse or modify the decision upon finding that it does not comply with any provisions of this part. A petition for permit appeal may be filed pursuant to this subdivision by the permit applicant or by any aggrieved person who participated in the public comment period or gave testimony at a formal public hearing whose appeal is based upon any of the issues that were provided to the commissioner in writing during the public comment period or in testimony at a formal public hearing on the permit application. Any petition for permit appeal under this subdivision shall be filed with the board within thirty (30) days after public notice of the commissioner's decision to issue or deny the permit. Notwithstanding the provisions of § 69-3-118(a) or § 4-5-223 or any other provision of law to the contrary, this subdivision shall be the exclusive means for obtaining administrative review of the commissioner's issuance or denial of a permit.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it; provided, that it shall only apply to permit applications filed after its effective date.

**PASSED: May 19, 2005**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 7<sup>th</sup> day of June 2005**

  
PHIL BREDESEN, GOVERNOR